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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scan Christopher Martin

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

06/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/673,790

Applicant(s)

MARTIN ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-12, 14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12, 14, and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 9-12, 14, and 16-18 are pending. This action is in response to the amendment received April 2, 2007.

### ***Response to Arguments***

The rejection of claims 9-12, 14, and 16-18 under 35 U.S.C. 103(a) as being unpatentable by Maggioncalda et al. (US 5,918,217) and Levine et al. (US 5,745,681) is maintained.

Upon a closer examination, Applicant's arguments filed April 2, 2007 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant alleges that the prior art made of record fails to teach user interface comprises recommendation logic responsive to user input of selection criteria to calculate for each product/service for which data is stored in said memory a score for said product/service and to select graphical representations for inclusion in said second portion of a generated

display on the basis of the score determined for said product/service utilizing said input selection criteria and data defining a number of criteria defining said product/service. The examiner disagrees with applicant's representative since Maggioncalda teaches user interface comprises recommendation logic responsive to user input of selection criteria to calculate for each product/service for which data is stored in said memory a score for said product/service and to select graphical representations for inclusion in said second portion of a generated display on the basis of the score determined for said product/service utilizing said input selection criteria and data defining a number of criteria defining said product/service (col. 17, lines 3-33; figs. 2, 4, 7a, and 8). Maggioncalda discloses a set of output values that are based upon the input decisions and a recommended set of financial products. These output values include the projected future value of the recommended financial products and the chance that the user meets his/her goals. After updated values for the input decisions are received via the input mechanisms, a new recommended set of financial products and a new set of output values may be determined based upon the updated values.

In addition, Applicant alleges that the prior art made of record fails to teach recommendation logic is operable to select a predetermined number of graphical representations for inclusion in said second portion of a generated display wherein said selected graphical representations comprise products/services associated with scores indicative of the best match between said input selection criteria an data defining a number of criteria defining said products/services. The examiner disagrees with applicant's representative since Maggioncalda teaches recommendation logic is operable to select a

predetermined number of graphical representations for inclusion in said second portion of a generated display wherein said selected graphical representations comprise products/services associated with scores indicative of the best match between said input selection criteria and data defining a number of criteria defining said products/services (col. 16, lines 13-63). Maggioncalda discloses a recommended allocation of wealth among an available set of financial products is presented to the user. Decision inputs and a set of available financial products are received. Each of the financial products has an associated volatility. The set of available financial products are ordered by their respective volatilities. A recommended allocation of wealth is determined for each financial product based upon the decision inputs and a graphical indication is displayed of the recommended allocation of wealth. The graphical indication includes graphical segments associated with each financial product which have lengths corresponding to the recommended allocation of wealth to the particular financial product.

With regards to the claims rejected as taught by Maggioncalda and Levine, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Maggioncalda and Levine taught the claimed limitations.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **9-12, 14, and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggioncalda et al. (US 5,918,217) in view of Levine et al. (US 5,745,681).

Re claims **9** and **17**, Maggioncalda teaches a memory storing data defining a plurality of products/services a user is able to select (fig. 2 (elements 204, 206, 207)), said data comprising for each product/service:

data defining a graphical representation of said product/service (col. 2, lines 12-30; fig. 4);

data defining a number of criteria defining said product/service (col. 8, line 65 to col. 10, line 20; figs. 4 and 9);

data defining a user interface display providing further information on said product/service (col. 14, lines 49-67; figs. 4 and 9); and

a user interface display comprising a first and second display portion (figs. 4 and 9), said user interface display being responsive to user input of selection criteria to cause indications of said input user selection criteria to be displayed in said first display portion and one or more selected graphical representations of products/services from said memory to be displayed in said second display portion, said selected graphical representations of products/services being selected on the basis of a comparison of said input selection criteria and data defining criteria defining products/services stored in said memory, wherein said graphical representation displayed in said second display portion are selectable by a user and said user interface display is responsive to user selection of a graphical representation of

a product/service from said second display portion to generate a user interface display providing further information on said selected product/service utilizing data stored in said memory (col. 9, line 65 to col. 12, line 65; figs. 4 and 9). In figures 4 and 9, Maggioncalda displays a slider bar for a user to interface according to a first, second, and third display portion. Users can change one or more input decisions for products. The second visual display is updated to reflect the new set of output results.

However, Maggioncalda does not explicitly teach a user selecting from a plurality of products/service. Nevertheless, both Maggioncalda and Levine teaches selecting step. Maggioncalda teaches selecting when he discloses a selected graphical segment may be resized to correspond in size to a user desired allocation responsive to activation of an input device. Subsequently, a new set of financial products are recommended while keeping the allocation of the financial product corresponding to the selected segment fixed at the user desired allocation. On the other hand, Levine automatically a user selecting from a plurality of products/service when he discloses selectable icons associated with the browser program in shopping cart (col. 1, line 50 to col. 2, line 51; col. 5, lines 1-22; figs. 3 and 6). He discloses the add request contains current selected items from the items selectable in the new shopping page file and previously selected items in the cart field. The cart list module at the server converting the cart field of previously selected items to a cart list of previously selected items, and the add module adds the currently selected items from the add request to the cart list. Therefore, the cart list contains previously selected items and the current selected items. Thus, it would have been obvious to one of ordinary skill in the art to

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enable a user selecting from a plurality of products/service in decision aid such as the shopping cart as discloses in Levine.

Re claim **10**, Maggioncalda teaches data defining graphical representations of a product/service comprises data identifying text or a picture of said product/service (col. 17, lines 34-67).

Re claim **11**, Maggioncalda teaches user interface display is responsive to user input of selection criteria to generate a user interface display wherein indications of said input user selection criteria comprising representations of slider settings identifying said user selection criteria are displayed in said first display portion (col. 9, line 65 to col. 10, line 67).

Re claim **12**, Maggioncalda teaches user interface display is responsive to user selection of a graphical representation of a product/service from said second display portion to generate a user interface display providing further information on said selected product/service in a third portion of a display at the same time as the display of said first and second display portion (col. 8, lines 16 to col. 9, line 67; fig. 4).

Re claim **14**, Maggioncalda teaches recommendation logic is operable to rank said products/services for which data is stored in said memory and order the graphical representations of said products/services displayed in said second portion of a generated display on the basis of said ranking (fig. 12a-12b and 14a-14b).

Re claim **16**, Maggioncalda teaches recommendation logic is operable to calculate a score for each product/service according to the following formula (figs. 6 and 7a-7b):

$$S_p = f(S_{i,p}, l_i); i \in \{1 \dots N\}; p \in \{1 \dots Q\}$$

Wherein



$S_p$  represents the overall score for a particular product/service  $p$

$F(\dots)$  represents "a function of"

$S_{i,p}$  represents the individual score for criteria  $i$  of product/service  $p$

$I_i$  represents the number of possible selection criteria

$Q$  represents the number of products/services for which data is stored in said memory

(fig. 8). Maggioncalda evaluates the probability distribution.

Re claim 18, Maggioncalda teaches user terminal is responsive to user selection of a graphical representation of a product/service from said second display portion to request further information for a selected product/service from said server and responsive to receipt of said further information to utilize said further information to generate a display comprising said user interface display providing further information on said selected product/services (fig. 4). Maggioncalda discloses three displays in one main screen.

### Conclusion

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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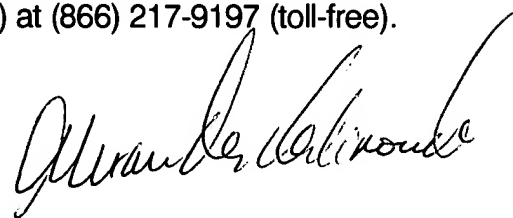
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
6/4/2007

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", is written over the printed name and title.

ALEXANDER KALINOWSKI  
SUPERVISORY PATENT EXAMINER